

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**NOTICE OF MOTION**

FRANK R. PARLATO, JR., et al

*Defendant.*

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Case No.: 15-cr-00149(RJA)

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman and with the consent of the government, the defendant moves this Court for an Order adjourning the oral argument currently scheduled for July 27, 2022 for one (1) week for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York  
July 26, 2022

Respectfully submitted,

/s/Herbert L. Greenman

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**AFFIDAVIT**

FRANK R. PARLATO, JR., et al

*Defendant.*

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Case No.: 15-cr-149(RJA)

STATE OF NEW YORK )  
COUNTY OF ERIE )ss  
CITY OF BUFFALO )

HERBERT L. GREENMAN, ESQ. being duly sworn, depose and say:

- 1) I am an attorney for the defendant Frank R. Parlato, Jr. and am co-counsel with Paul J. Cambria, Jr, Esq.
- 2) The government is represented by Michael DiGiacomo and Charles Kruly.
- 3) By order of Senior United States District Judge Richard J. Arcara oral argument is currently scheduled for July 27, 2022. The matter was previously scheduled for last week but was adjourned by the Court.
- 4) Since the last scheduled court date the parties have been engaged in intense plea negotiations. We are at a point that we believe that further negotiations are warranted and we need the additional time to attempt to resolve this matter by a change of plea proceeding.
- 5) While more work needs to be done, we believe that if the Court would adjourn the oral argument, that would give the parties additional time rather than having to prepare for the oral argument scheduled for July 27, 2022.

6) As a consequence, we are respectfully requesting that the oral argument currently scheduled for July 27, 2022 be adjourned for approximately 1 week or at the convenience of the Court.

7) The government has advised that it consents to this request.

WHEREFORE, your deponent prays that this Court rule accordingly.

/s/Herbert L. Greenman  
Herbert L. Greenman, ESQ.

Subscribed and sworn to before me this  
26<sup>th</sup> day of July, 2022

/s/Elizabeth M. Jagord-Ward

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Notary Public State of New York,  
Qualified in Erie County  
My Commission Expires October 31, 2022.